

GAHC010149642023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/259/2023

M/S AARHI TRADERS
A PROPRIETORSHIP FIRM, HAVING ITS REGISTERED OFFICE AT BYLANE
NO. 2, AJANTA PATH, BELTOLA, GUWAHATI- 28, REPRESENTED BY SRI
JYOTIBAN SAIKIA, ITS SOLE PROPRIETOR OF M/S AARHI TRADERS, AGED
ABOUT 41 YEARS, SON OF SRI PREMADHAR SAIKIA, RESIDENT OF
PRAKRITI RESIDENCY, 1ST FLOOR, FLAT-A, BELTOLA, GUWAHATI- 28.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF AGRICULTURE AND
HORTICULTURE, DISPUR, GUWAHATI- 781006, ASSAM.

2:THE SECRETARY
DEPARTMENT OF AGRICULTURE
GOVERNMENT OF ASSAM
DEPARTMENT OF AGRICULTURE AND HORTICULTURE

DISPUR
GUWAHATI- 781006
ASSAM.

3:THE DIRECTOR OF AGRICULTURE
GOVERNMENT OF ASSAM
AGRICULTURAL COMPLEX
KHANAPARA

G.S. ROAD
GUWAHATI
PIN- 781022

Advocate for the Petitioner : MR. H. BURAGOHAIN

Advocate for the Respondent : SC. AGRI. DEPTT.

Linked Case : I.A.(Civil)/1919/2023

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A PROPRIETORSHIP FIRM
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REPRESENTED BY SRI JYOTIBAN SAIKIA
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Advocate for : MR. H. BURAGOHAIN

Advocate for : SC. AGRI. DEPTT. appearing for THE STATE OF ASSAM AND 2
ORS.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 07.07.2023

(Soumitra Saikia, J.)

Heard Mr. A. K. Bhattacharjee learned senior counsel assisted by Mr. H. Buragohain, learned counsel appearing for the appellant. Also heard Mr. B. Choudhury, learned counsel for all the respondents.

This appeal is directed against the judgment and order dated 20.06.2023 passed by the learned Single Judge in WP (C) 2215/2023. By the impugned judgment, the writ petition preferred by the present appellant was dismissed as being devoid of any merit.

Today, when the matter is listed before this Court Mr. Choudhury, learned standing counsel for the Agriculture Department has furnished a cancellation notice issued on 07.07.2023, whereby the tender for supply of napier slips-kharif season by Tender No. A/APART/AFM/N-Slip/23-24/75/07 has been cancelled. By the said notice/corrigendum, it is mentioned that the tender has been cancelled due to administrative reasons/issues.

The said notice also contains a minutes of the meeting of the Bid Evaluation Committee held on 04.07.2023.

From the minutes of meeting, it is seen that there were six bidders who responded to the bids invited by the Agriculture Department for supply of napier slips. From the comparative chart indicated in the minutes of the meeting, it is seen that not a single tender have been found to be technically responsive. Under such circumstances, the Bid Evaluation Committee recommended for cancellation of tender.

Accordingly, the notice dated 07.07.2023 was issued, whereby tender has been cancelled.

In view of such specific submissions made before this Court and a copy being furnished to the Court, which is kept on the case record, this Court is of the view that this appeal can be closed as not pressed. In view of the cancellation notice the grounds urged in this appeal need not to be dealt with at this moment.

However, liberty is granted to the appellant to approach this Court again in respect Tender No. A/APART/AFM/N-Slip/23-24/75/07, if any such cause arrives subsequently.

JUDGE

JUDGE

Comparing Assistant